STATE OF MICHIGAN

COURT OF APPEALS

LAVERNE DEJARNETTE,

Plaintiff-Appellant,

v

LUMBERMANS MUTUAL CASUALTY COMPANY,

Defendant-Appellee,

and

KEMPER INSURANCE COMPANIES, KEMPER CASUALTY COMPANY, KEMPER EMPLOYERS INSURANCE COMPANY and KEMPER INDEPENDENT INSURANCE COMPANY,

Defendants.

UNPUBLISHED
June 10, 2004

No. 246695
Wayne Circuit Court
LC No. 01-136708-NI

Before: Sawyer, P.J., and Gage and Owens, JJ.

PER CURIAM.

Plaintiff appeals as of right from a circuit court order granting defendant Lumbermans' motion for summary disposition on the ground that her claim was barred by the applicable limitations period. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court's ruling on a motion for summary disposition is reviewed de novo. *Kefgen v Davidson*, 241 Mich App 611, 616; 617 NW2d 351 (2000). Whether a cause of action is barred by the statute of limitations is a question of law that is also reviewed de novo on appeal. *Ins Comm'r v Aageson Thibo Agency*, 226 Mich App 336, 340-341; 573 NW2d 637 (1997). The burden of proving that a claim is time-barred is on the party asserting the defense. *Kuebler v Equitable Life Assurance Society of the United States*, 219 Mich App 1, 5; 555 NW2d 496 (1996).

Plaintiff sustained a personal injury on the premises of defendant's insured on June 3, 1997. The limitations period was three years from that date, or June 3, 2000. MCL

600.5805(10). Plaintiff filed suit in October 2001, more than a year later. Therefore, her claim was time-barred.

Plaintiff was notified in September 2000 that the premises owner's insurer had assumed all responsibility to defend and pay the claims filed against the owner. Plaintiff argues on appeal that because she did not received that notice until after the limitations period had run and did not fully understand its implications, she was entitled to equitable relief from the running of the limitations period. Because plaintiff has not briefed the merit of this claim or cited an applicable supporting authority, the claim is deemed abandoned. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999).

Plaintiff also contends that because the premises owner had filed for bankruptcy, she had thirty days from the time the automatic stay was lifted in which to file suit, 11 USC 108(c)(2), and because she had not received notice that the stay was lifted, her suit was not untimely. We disagree.

The evidence shows that the premises owner filed for bankruptcy in October 1995. The automatic stay applied to claims against the debtor that were or could have been commenced or which arose before the filing of the bankruptcy petition. 11 USC 362(a)(1), (6). The automatic stay does not bar proceedings for post-petition claims that could not have been commenced before the petition was filed. *Taylor v First Federal Savings & Loan Ass'n of Monessen*, 843 F2d 153, 154 (CA 3, 1988). Because the automatic stay did not preclude plaintiff from filing suit, the savings provision of § 108(c) did not come into play. *Hazen First State Bank v Speight*, 888 F2d 574, 576 (CA 8, 1989). Although the trial court ruled that plaintiff failed to file suit within the extra time allotted by § 108(c), we will not reverse where the trial court reaches the right result for the wrong reason. *Taylor v Laban*, 241 Mich App 449, 458; 616 NW2d 229 (2000).

Affirmed.

/s/ David H. Sawyer
/s/ Hilda R. Gage
/s/ Donald S. Owens